

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

HENRY JOSHUA NAGORNY,

Plaintiff,

v.

3:09-cv-327

CHESTER WOODS, et al.,

Defendants.

MEMORANDUM

This *pro se* prisoner's civil rights action under 42 U.S.C. § 1983 is set for trial on July 12, 2010. By the Scheduling Order entered in this cause, the plaintiff was ordered to file his Pretrial Narrative Statement on or before April 19, 2010. The plaintiff was advised that failure to file a Pretrial Narrative Statement would result in dismissal of plaintiff's complaint for failure to prosecute and to comply with the orders of the Court.

The plaintiff has failed to file his Pretrial Narrative Statement or otherwise respond to the Scheduling Order. The defendants have notified the court of plaintiff's failure to file his Pretrial Narrative Statement and move the court to dismiss the complaint for failure to prosecute. Plaintiff has failed to file a timely response to the motion to dismiss.

Under the circumstances, the defendants' motion to dismiss for failure to prosecute [Court File No. 26] is well-taken and will be **GRANTED**. All other pending motions will

be **DENIED** as **MOOT**. The court will **CERTIFY** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* Rule 24 of the Federal Rules of Appellate Procedure.

AN APPROPRIATE ORDER WILL ENTER.

s/ Leon Jordan
United States District Judge